

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460



JAN 17 2017

OFFICE OF ADMINISTRATION
AND RESOURCES MANAGEMENT

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Nancy Peeler
[REDACTED]
[REDACTED]

**Re: Notice of Suspension
Nancy Peeler, EPA Case No. 16-0841-03A**

Dear Ms. Peeler:

Enclosed with this Notice of Suspension, please find a copy of an Action Referral Memorandum and its attachments (collectively, the ARM), submitted to me by the Environmental Protection Agency (EPA) Suspension and Debarment Division (SDD) counsel in this matter. The SDD counsel has requested that I immediately suspend you (the Respondent) from participation in future federal contracts and assistance activities, pending completion of legal proceedings against you.

Action and Authorities

By this Notice, effective immediately, I have suspended the Respondent from participation in federal contracts and assistance activities. I am taking this action based on information in the ARM, which is enclosed therein.

This action is based on a complaint filed in the Michigan State Court for the 67th Judicial District, 7th Judicial Circuit, charging the Respondent with one count of misconduct in office, in violation of Michigan Compiled Laws ("MCL") 750.505; one count of conspiracy – misconduct in office, contrary to 750.157a, in violation of MCL 750.505c; and one count of willful neglect of duty, in violation of MCL 750.478.

The complaint alleges that on or about April 2014 through on or about August 2015, the Respondent did commit misconduct in office, an indictable offense at common law, by willfully and knowingly misleading employees of the Department of Health and Human Services regarding reports of the increase in blood lead levels of children in Genessee County; in violation of her duty to promote and protect the health of the citizens of the County of Genessee, State of Michigan, contrary to MCL 750.505. It is also alleged that Respondent did unlawfully conspire, combine, confederate, and agree together with one another and others, both known and unknown to the People of the State of Michigan, to commit an offense prohibited by law, to wit: Misconduct in Office as alleged in Count 1, contrary to MCL 750.157a. The complaint further alleges that the Respondent did willfully neglect to perform the duty of promoting and protecting the health of the citizens of the County of Genessee, State of Michigan enjoined upon her by the Michigan Public Health Code, MCL 333.5111(1), MCL 333.5111(2)(f) and MCL 333.20531 and the Critical Health Problems reporting Act, MCL 325.71, et seq., contrary to MCL 750.478.

Respondent's suspension is warranted under 2 C.F.R. § 180.700(a) because the criminal information constitutes adequate evidence to suspect offenses under 2 C.F.R. § 180.800(a)(4).

Moreover, Respondent's suspension is warranted under 2 C.F.R. § 180.700(b) because Respondent's misconduct as set forth in the ARM indicates a lack of business integrity or business honesty that seriously and directly affects Respondent's present responsibility.

I find that there is adequate evidence to support the suspension action under 2 C.F.R. §§ 180.700(a), (b), and (c). Moreover, for the reasons set forth in the ARM, there is an immediate need to suspend the Respondent to protect the government's business interests and the public interest pending completion of legal proceedings. The allegations giving rise to a cause for suspension are serious and the Respondent may have potential business relationships or involvement with a program of the Federal Government.

Effect of Action

As a result of this suspension, Respondent's name has been entered as "Ineligible" in the System for Award Management (SAM) exclusion list maintained by the General Services Administration. Respondent is ineligible to receive any federal contracts or approved subcontracts, or to act as an agent or representative on behalf of another in such transactions. Respondent is also precluded from receiving certain federal assistance, loans and benefits (or contracts/subcontracts thereunder), or from participating as a principal, agent or key employee in those transactions.

If ultimately debarred, Respondent's name will remain listed as "ineligible" in the SAM website. Respondent will remain ineligible to receive any federal contracts or approved subcontracts or to act as an agent or representative on behalf of another in such transactions. In addition, Respondent will remain ineligible to receive certain federal assistance, loans and benefits (or contracts thereunder) or from participating as a as a principal, agent or key employee in those transactions.

How to Contest this Action

If Respondent wishes to contest this Notice, Respondent or Respondent's representative must first send an email to me and to the EPA Suspension and Debarment Hearing Officer at the email addresses provided below within 30 days of receipt of this Notice, stating in detail the reasons why Respondent believes this action is not warranted. Failure to send us an email contesting this action will result in debarment by default. If Respondent is unable to send an email, please contact the Suspension and Debarment Hearing Officer to discuss alternate arrangements for submitting a contest letter in hard copy.

If Respondent contests this suspension, in addition to any information and argument in opposition, the Respondent's contest submission must identify:

- (1) Specific facts that contradict the statements contained in the Notice of Suspension. A general denial is insufficient to raise a genuine dispute over facts material to the suspension;
- (2) All existing, proposed, or prior exclusions under regulations implementing Executive Order 12549 and all similar actions taken by Federal, State, or local agencies, including administrative agreements that affect only those agencies;
- (3) All criminal and civil proceedings not included in the Notice of Suspension that grew out of facts relevant to the cause(s) stated in the notice; and
- (4) All of Respondent's affiliates.

If Respondent fails to disclose this information, or provides false information, the EPA may seek further criminal, civil or administrative action against Respondent, as appropriate, per 2 C.F.R. § 180.730(b).

In order for Respondent's submissions to be included in the official record, unless alternate arrangements have been agreed to, all submissions to the EPA must be made electronically, preferably in Adobe PDF format. If Respondent is unable to submit documents electronically, please contact the Suspension and Debarment Hearing Officer to discuss alternate arrangements for submitting documents in hard copy. Please note that emails to the EPA, including any attachments, cannot exceed 25MB and filenames of attachments should be 128 characters or less and not include any special characters.

If Respondent believes that any information contained in the ARM is incomplete or inaccurate in any material way, Respondent must provide the additional or correct information with Respondent's response. Respondent should also include copies of documentation that support Respondent's position.

In addition to any submissions submitted electronically (or in hard copy if they cannot be submitted electronically as discussed above), Respondent and/or Respondent's representative(s) may meet with me to make a presentation of matters in opposition (PMIO) to address further the SDD counsel's information, or to provide further information about Respondent's present responsibility to perform services under federal contracts or covered transactions. If Respondent

wants a PMIO meeting, Respondent must state this in the contest email discussed above. The Suspension and Debarment Hearing Officer will establish a case schedule. Respondent may contact the Suspension and Debarment Hearing Officer at the email address and phone number provided below. However, please remember that even if Respondent desires a PMIO, Respondent must first send an email submission to us within the 30-day reply period to avoid being in default without further proceedings.

For more information about how to contest this Notice, please see 2 C.F.R. Part 180 generally, and, in particular, §§ 180.700 – 180.760.

If Respondent has any questions concerning the ARM or substantive matters relative to this case, Respondent should contact SDD Counsel by the phone number or email address provided below. If Respondent has any questions relative to any procedural issues, Respondent should contact the Suspension and Debarment Hearing Officer via the phone number or email address provided below.

It is important to note that suspension and/or debarment is not imposed for the purpose of punishment. It is a discretionary measure used to ensure that the government conducts the public business with responsible persons. Accordingly, the EPA will consider any information Respondent wishes to provide that Respondent believes will assist me in making that evaluation.

Please use the following contact information when communicating with me, the Suspension and Debarment Hearing Officer, and/or SDD Counsel:

Duc H. Nguyen
EPA Suspension and Debarment Official
U.S. Environmental Protection Agency
Office of Grants and Debarment
Email Address: Suspension_Debarment@epa.gov

Lauren Lovett
Suspension and Debarment Hearing Officer
U.S. Environmental Protection Agency
Office of Grants and Debarment
Email Address: Lovett.Lauren@epa.gov
Phone: 202-564-2560

Jamie Lemley
Suspension and Debarment Counsel
U.S. Environmental Protection Agency
Suspension and Debarment Division
Email: Lemley.Jamie@epa.gov
Phone: 202-564-5428

Respondent may view the regulations governing suspension and debarment actions initiated by the EPA and the Privacy Act Statement (applicable to individuals) by going to

<https://www.epa.gov/grants/suspension-and-debarment-program> and selecting "Information Regarding the Suspension and Debarment Process, Clean Water Act and Clean Air Act Ineligibilities, How to Contest a Notice, and How to Seek Reinstatement." If Respondent does not have internet access and would like to receive copies of the cited regulations or the Privacy Act Statement, please contact the Suspension and Debarment Hearing Officer.

Sincerely,

A handwritten signature in black ink, appearing to read 'Duc H. Nguyen', with a stylized flourish at the end.

Duc H. Nguyen
EPA Suspension and Debarment Official

Enclosures
cc: SDD Counsel
Official Case File